PETITION FOR ZONING VARIANCE CRITICAL AREA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-332-A The undersigned, logal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ____400.1____To_sllow_so_sccessory_structure_____ a haight of 19 feet in lieu of the Asxisum 15 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty) To be discussed AT HEARING CO TO Property is to be posted and advertised as p. scribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this continuous petition, and further agree to and are to be bound by the zoning regulations and restrictions of DP Raltimore County. under the penalties of perjury, that I/we are the legal owner(s) of the property Kenneth J. Warnecka Jr. Contract Purchaser: Grant flowingsless. Carole Warnecka "tarale Whrecha 1225 Seneca Road 335-5324 Baltimore, Maryland 21220 Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted

> Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 12, 1990, attached hereto and made a part hereof.

> Zoning Commissioner for Baltimore County

PETITION FOR ZONING VARIANCE NE/S of Seneca Road, 260' * ZONING COMMISSIONER NW of New Section Road * OF BALTIMORE COUNTY 1225 Seneca Road 15th Election District 5th Councilmanic District * Case No. 90-332-A Kenneth J. Warnecka, Jr., et ux Petitioners * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* BEFORE THE

The Petitioners herein request a variance from Sections 400.3 to allow an accessory structure a height of 19 feet in lieu of the maximum 15 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Kenneth J. Warnecka, Jr., appeared and testified.

There were no Protestants. Testimony indicated that the subject property, known as 1225 Seneca Road, consists of .282 acres +/-, zoned R.C.2 and is currently improved with an existing 1-1/2 story single family dwelling, garage and shed.

Testimony indicated that the the Petitioner is desirous of renovating the existing 45 year old garage. He testified that the roof is in a dilapidated condition and in need of repair. Mr. Warnecka also testified that he has no intentions of enlarging the structure, but merely making necessary repairs to save it.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in

practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimor County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department . Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFCRE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16 day of MAICH-1990 that the Petition for a Zoning Variance to allow an accessory structure a height of 19 feet in lieu of the maximum 15 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condi-

2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities

CRITICAL AREA

Beginning at point on the NE side of Seneca Road which is 30' wide at the distance of 260' of the centerline of New Saction Road which is 30' wide. *Being LOT #194 in the subdivision of Bowleys Quarters as record in Baltimore County Plat Book #9/. Folio #12 containing 15.300sqft. Also known as 1225 Seneca Road and located in the 215 Election District, 5th Councilmatic.

Februaru 21, 1990

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Md. 21204

Attn: Julie Winiarski Re: Item #189, Case No. 90-332-A

Dear M's. Winiarski:

With regard to letter dated 2-5-90, please let me remark on the following:

1. Letter dated 1-15-90 - Inter-Office Correspondence: The garage will <u>not</u> be used for living quarters, kitchen or bathroom facilities. It will be used for storage (the house is very limited in closet and storage space).

2. Letter dated 1-12-90 - Inter-Office Correspondence:

Regulation #1 - This does not appear to be a problem. Regulation #2 - Same as #1.

Regulation #3 - We have probably more than 15% planted material, but we will plant whatever is deemed necessary.

Regulation #4 - We assume this is not a problem. Regulation #5 - Please note that we have not been able to finish garage and therefore we do not as yet have the proper rainspouts of dutch drains, but we most certainly will comply with this regulation when the structure is finished.

Thank you and please call us if we can answer any questions you or the committee may have.

Sincerely, Truth + Carne Clarrecka Kenneth & Carole Warnecka 1225 Seneca Road Baltimore, Md. 21220 301-335-5324

NOTICE OF HEARING The Zoning Commissioner of Bellimore County, by authority of the Zoning Act and Regulations of Bellimore County will sold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeate Avenue in Towson, Maryland 21204 as follows:

ZONING OFFICE

as follows: * *** ** ** ** ** ** ** Petition for Zoning Variance Case number: 90-332-A NC/S of Senson Road, 260 NW of New Section Floar! 1225 Senson Road 15th Election District 5th Counciment; Petitioner(s): Kenneth J. Warnecks, Jr.,

Hearing Date: Tuesday, Mar. 6, 1990 at 2:00 p.m. Variance: To allow an ac cessory structure a height of 19 feet in Seu of the maximum 1 in the event that this Puttirn is granted, a building permit may be leaved within the thirty (30) day appeal period. The Zoning Con-missioner will, however, entertain any request for a stay of the leautrice of said permit during this period for good cause shown. Such request must be in writing

presented at the houring.

NOTE:

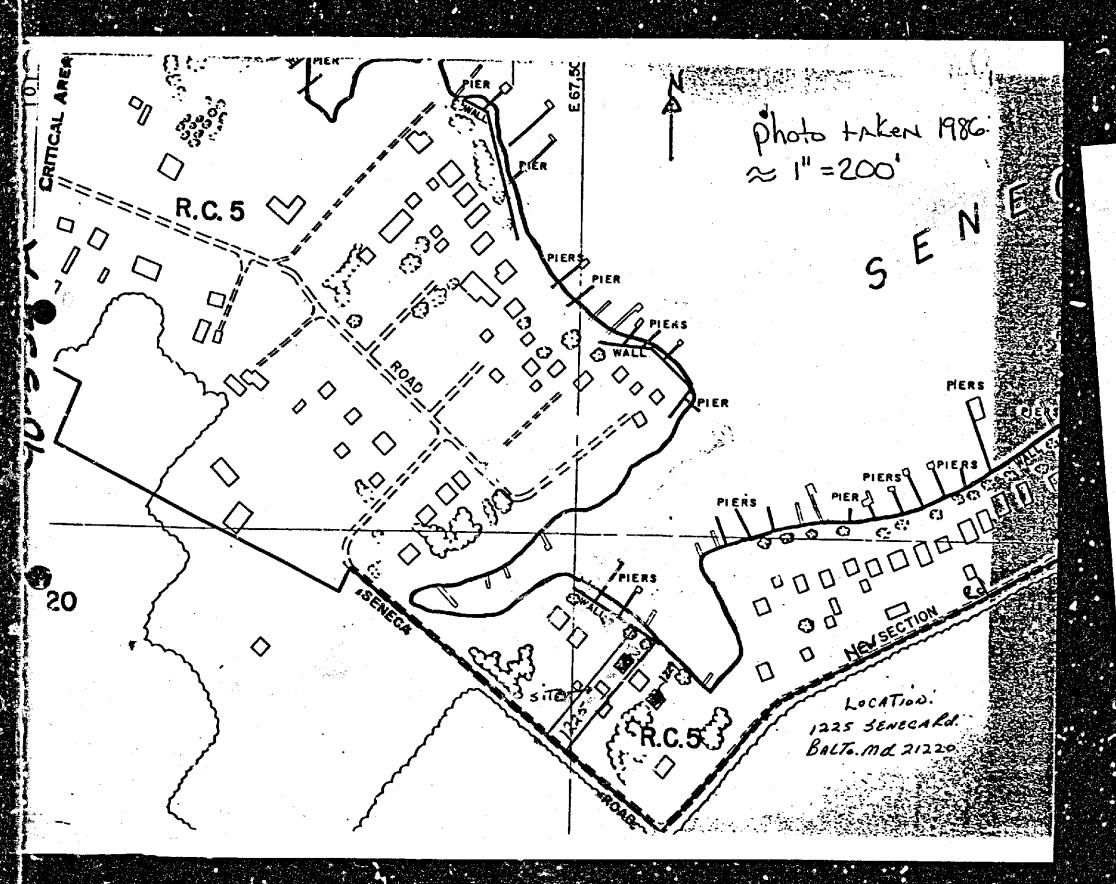
(If PHASE If of the SNOTE
EMERGENCY PLAN is is effect
in California (Control of the above
hearing to be in the show
postprined in the event of snow,
telephone 887-3091 to continue
hearing date.) A ROBERT HAINE! 2/126 Feb 8

and received in this office by the date of the hearing set above or

CERTIFICATE OF PUBLICATION

TOWSON, MD., - Jebrus; 8 . 1990 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Terrson, Baltimore County, Md., once in each of ___ successive

THE JEFFERSONIAN.



CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

February 8.

THIS IS TO CERTIFY, that the annexed advertisement of Kenneth J. Warnecka, Jr., in the matter of Petition for Zoning Variance for 1225 Seneca Rd. Case # 90-332-A P.O. # 0101845, Req. #M38171. 94.5 lines @.55 or \$51.97

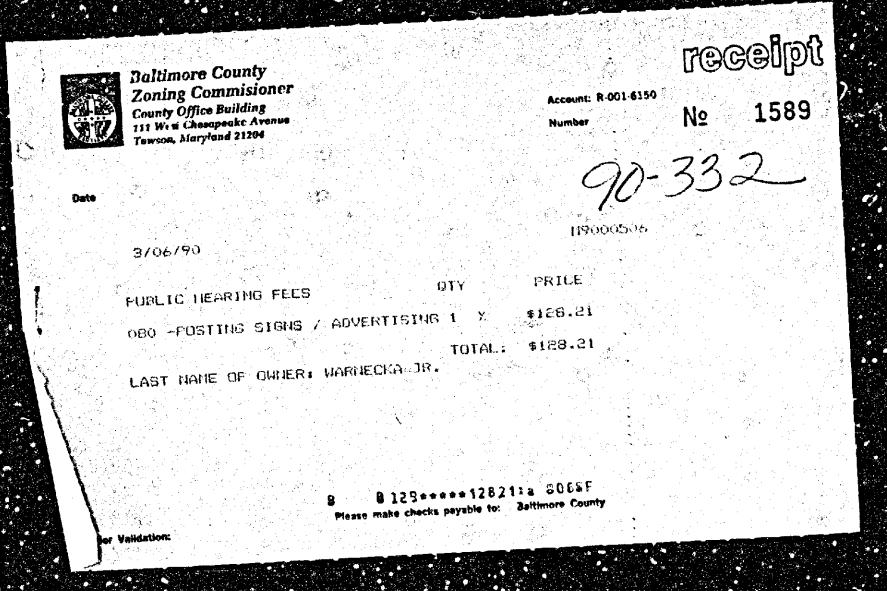
was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive week(s) before the _____ day of _______1990 ; that is to say, the same was inserted in the issues of $\frac{\text{Fe}^3 - 8}{190}$.

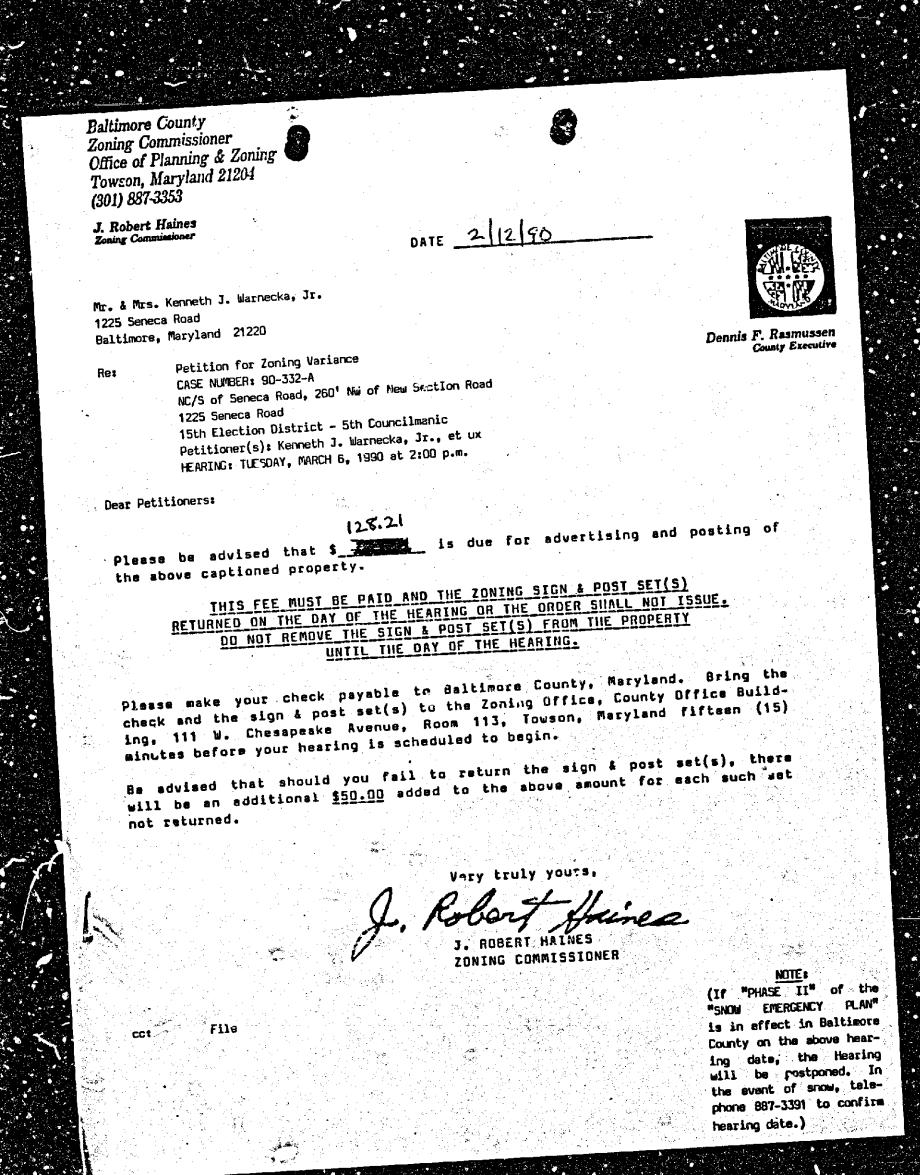
The Avenue Inc.

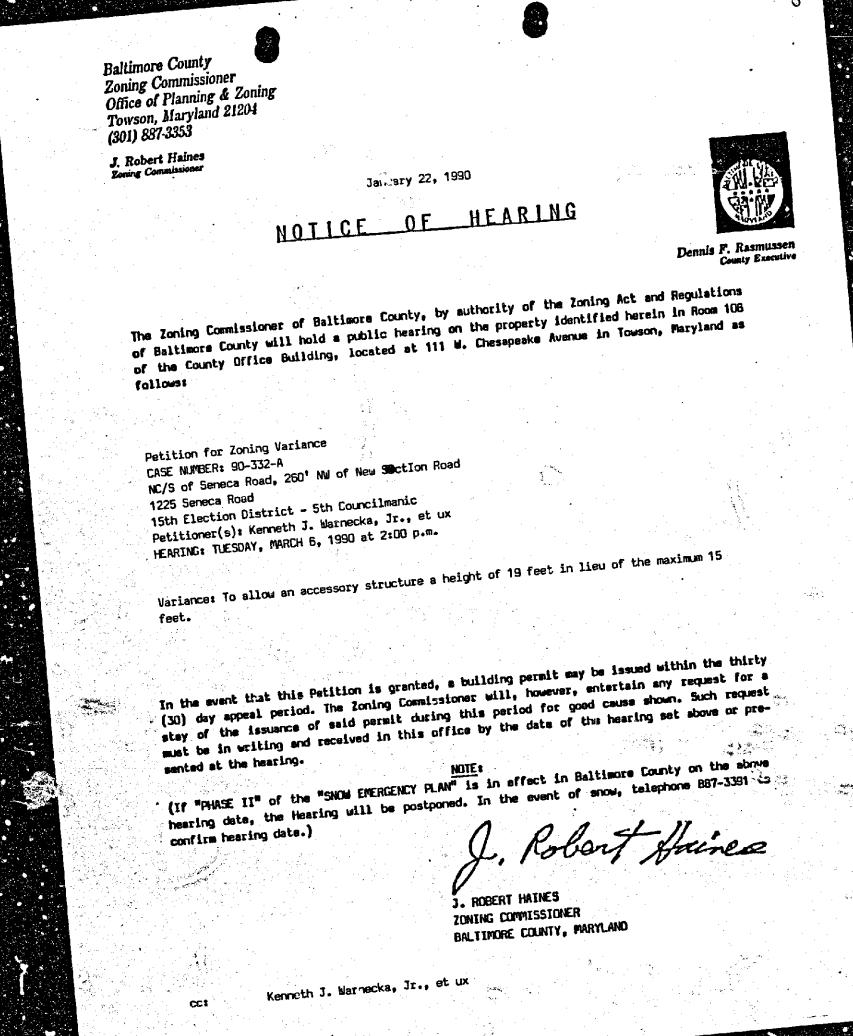
Jeane Bloldwell per publisher

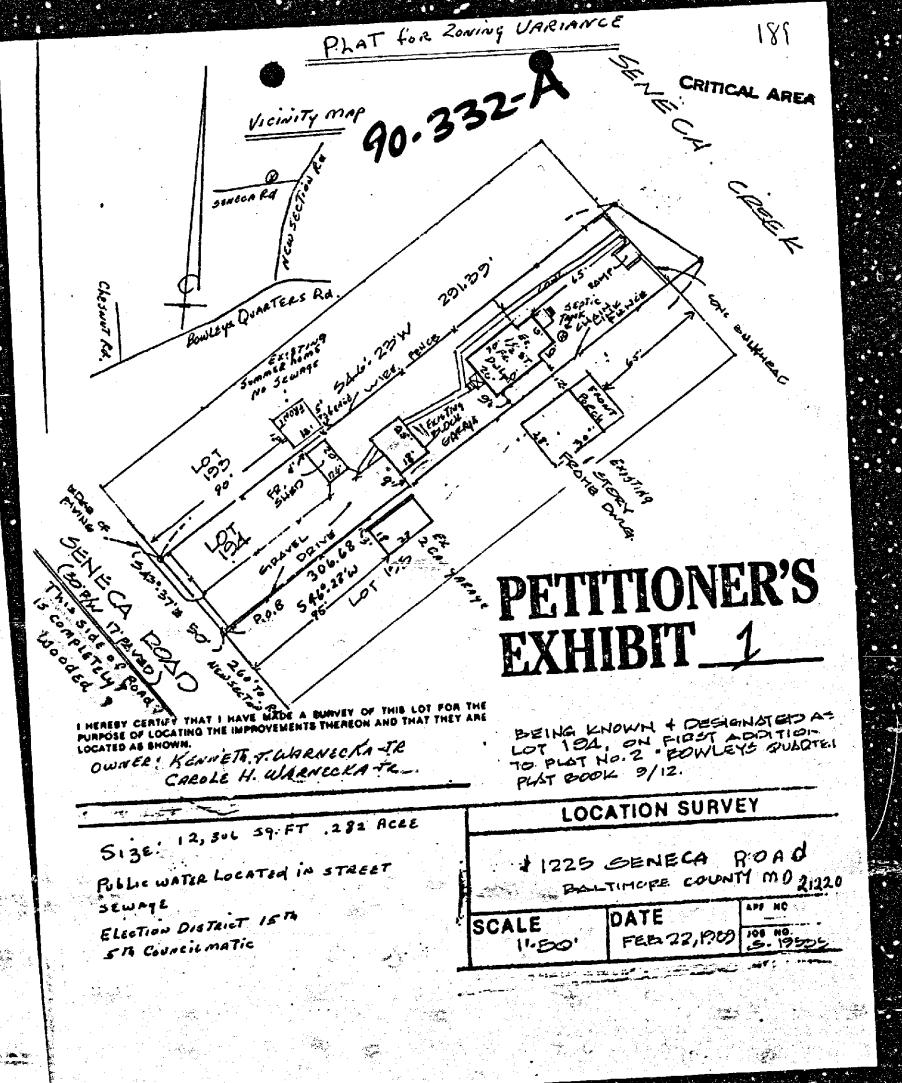
Notice Of Hearing
The Zoning Commissioner of
Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County,
will hold a public to string on will hold a public to string on the property Identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance Case Number 19-332-A NC/S of Seneca Road, 260 NW of New Section Road, 15th Election District Sth Councilmanic Petitioner(s):

Kenneth J. Warnecka, Jr., et ux HEARING CATE:
TUSDAY, MARCH 6, 1990
at 2:00 p.m.
Variances To allow an accessory structure a height of 15 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. hearing.
NOTE: (If "PHASE II" of the "SNOW EMERGENCY" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 1887-391 to confirm hearing J. ROBERT HAINES









ZONING DEPARTMENT OF BALTIMORE COUNTY 80-337-11
District 1574
Posted for: Sennet L. Warners T. L.
Location of property. N/6/5 Servece Rd., 760' NW the Soching Rd.
Confine of Signe Ferry Survey Rd. ofpran 8 Fr. No dway. On p. 10 forty of Pathorn. Remarks:
Posted by Million Date of return: 4/73/90 Funder of Signe:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 18, 1990 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Kenneth J. Warnecka, Jr., Item 189

The Petitioner requests a Jariance to permit an accessory structure 19 ft. in height in lieu of 15 ft.

In reference to this case, staff offers the following condition should the Petitioner's request be granted: living quarters, kitchen or bathroom facilities shall be prohibited in the garage.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: January 12, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 189 Warneck Property Chesapeake Bay Critical Area Findings



ZONING OFFICE

SITE LOCATION

The subject property is located at 1225 Seneca Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Kenneth and Carole Warnecka

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 "To allow an accessory stucture a height of 19 feet in lieu of the maximum 15

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that project approvate shart be based on a timoring which absures that proposed projects are consistent with the following goals of the Critical Area Law:

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines January 12, 1990

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)>.

Finding: The accessory structure is located within the 100 foot buffer. It consists of a second story addition to an existing garage and is already constructed.

2. Regulation: "No dredging, filling, or construction in any wetland _nall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" (COMAR 14.15.02.04 C.(5)).

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or

2 items - minimum 4 foot size Tree list:

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

2 gallon container size

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of all man made impervious surface equals approximately 19% of the lot, however, all structures were existing prior to this zoning application.

Memo to Mr. J. Robert Haines January 12, 1990 Page 3

5. Regulation: "The stormwater management system shall be designed

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: At present, rooftop runoff does not appear to be collected in rainspouts. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached Crainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz Mrs. Janice B. Outen

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

1225 Seneca Road

Baltimore, MD 21220

February 5, 1990

Mr. & Mrs. Kenneth J. Warnecka, Jr.

RE: Item No. 189, Case No. 90-332-A Petitioner: Kenneth J. Warnecka, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Warnecka:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 19th day of December, 1989.

> J. Robert faires ZONING COMMISSIONER

Petitioner: Kenneth J. Warnecka, et ux Petitioner's Attorney:

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

December 19, 1989

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



RE: Property Owner: KENNETH J. WARNECKA, JR.

#1225 SENECA ROAD Location:

Zoning Agenda: DECEMBER 19, 1989 Item No.:

Gentlemen:

JR/RZK

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group Special Inspection Division

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for December 19, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 501, 185, 186, 289 and 190.

For Items 184, 187 and 188 the CRG comments remain

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

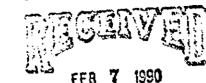
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: January 12, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 189 Warnecka Property Chesapeake Bay Crit cal Area Findings



SITE LOCATION

The subject property is located at 1225 Seneca Road. The rite is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Kenneth and Carole Warnecka

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 "To allow an accessory stucture a height of 19 feet in lieu of the maximum 15 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 3. Estaolish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

January 12, 1990 Page 3

Memo to Mr. J. Robert Haines

- 5. equiation: "The stormwater management system shall be designed so that:
- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)>.

Findings: At present, rooftop runoff does not appear to be collected in rainspouts. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz Mrs. Janice B. Outen

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines



Mr. and Mrs. Kenneth J. Warnecka, Jr. 1225 Seneca Road Baltimore, Maryland 21220

> RE: Petition for Zoning Variance Case No. 90-332-A

Dear Mr. and Mrs. Warnecka:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

JRH:mmn cc: Peoples Counsel

Baltimore County Zoning County Office Building

CRITICAL AREA

010 -ZONING VARIANCE (IRL)